

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

IN RE:

EMERGENCY PETITIONS FOR)	
COMPASSIONATE RELEASE)	GENERAL ORDER 2020-6
PURSUANT TO SECTION 603(b))	
OF THE FIRST STEP ACT UNDER)	
THE EXIGENT CIRCUMSTANCES)	
CREATED BY THE COVID-19)	
CORONAVIRUS)	

GENERAL ORDER

As a result of the recent outbreak of Coronavirus Disease 2019 (COVID-19), the Court anticipates that it will receive an increased number of pro se, emergency requests for compassionate release under Section 603 of the 2018 First Step Act, 18 U.S.C. § 3582(c) and (d) (“pro se petitions”). To efficiently address these pro se petitions, the Court is adopting the following expedited procedures. Petitions that seek compassionate release, but not on an urgent basis related to the COVID-19 pandemic, are not governed by this General Order.

A. Initial Screening

The assigned Judge will initially screen a pro se petition to determine if the petitioner seeks urgent relief. Pro se petitions that seek urgent relief, but which are facially without merit, will be dismissed without prejudice.

B. Initial Information Submitted by U.S. Probation & Pretrial Services

For pro se petitions seeking urgent relief that are not denied at the initial screening stage, the assigned Judge may, at the Judge’s discretion, request the United States Probation & Pretrial Services (“Probation Office”) to file under seal within one business day a Summary Report regarding the petitioner containing the information contained in Appendix A, attached hereto, along with the petitioner’s Presentence Investigation Report, Judgment, and Statement of Reasons.

If, based on the review of the petition and the information provided by the Probation Office, the assigned Judge intends to deny the petition, the Court will issue an Order to Show Cause containing a brief explanation of the reason for the Court’s intended action and allowing the petitioner an opportunity to respond and refute any information contained in the Summary Report. A copy of the Summary Report shall be appended to the Order to Show Cause. The Order to Show Cause shall specify the date by which the petitioner’s response must be docketed.

C. Appointment of Counsel

Where the assigned Judge concludes that the petition should proceed, the Judge will direct the Clerk's Office to appoint counsel—either from the Office of the Federal Public Defender for the District of Maine (“Federal Public Defender”) or from the Criminal Justice Act panel (“CJA counsel”)—to represent the petitioner. The Clerk's Office will issue a procedural order setting the following expedited deadlines which are subject to modification at the discretion of the assigned Judge:

- A. Petitioner's counsel shall have seven (7) days to file an amended petition on behalf of the petitioner or to notify the Court that the case will proceed based on the initial petition.
- B. The United States Attorney's Office for the District of Maine (“the Government”) shall have seven (7) days to file a response from the filing of the petitioner's amended petition or notice.
- C. Counsel for petitioner shall have four (4) days to file any reply. A petitioner may waive the right to file a reply.

The procedural order will also notify the petitioner that if personal or institutional medical circumstances change before completion of the deadlines, the petitioner may supplement the petition.

To enable the Federal Public Defender and/or CJA counsel to prepare any required filing on a petitioner's behalf, the Court directs the United States Attorney to facilitate the process of obtaining the most recent and relevant documents from the Bureau of Prisons (BOP), including but not limited to the inmate's progress report, sentence computation form, financial responsibility form, inmate education data, disciplinary data, inmate profile, medical records, and the BOP's recommendation for release, if any. To the extent necessary, the Federal Public Defender and/or CJA counsel will assist petitioner in executing a release form authorizing the BOP to disclose institutional records.

SO ORDERED on this 11th day of May, 2020.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

APPENDIX A

**UNITED STATES PROBATION & PRETRIAL
SERVICES**

DISTRICT OF MAINE

**KIMBERLY RIEGER
CHIEF**



**MICHAEL J. PENDERS
DEPUTY CHIEF**

May 6, 2020

Prepared for: Enter Name, United States District Court Judge

From: Enter Name, United States Probation Officer

RE: SAMPLE DEFENDANT

DKT. Docket Number

Compassionate Release Request Inmate Data

BOP Facility	Danbury
Time Served (Percentage of Sentence)	4 yrs., 9mos., 21days (47%)
Projected Release Date	05/20/2025
Financial Obligation	Satisfied
Care Levels	Physical – 1 Mental Health - 1

Summary – To date the defendant has completed 14 education courses, and the mandatory drug education program. He has incurred one moderate level disciplinary record. His assigned case manager is Joe Sample. As of the date of this filing the BOP facility at Danbury is reporting 15 (staff) and 15 (inmates) testing positive for COVID-19.